

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
Western Division

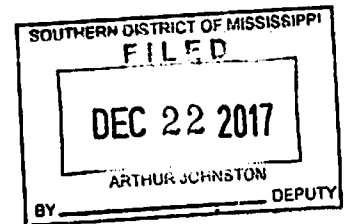
HUDSON SPECIALTY INSURANCE COMPANY

PLAINTIFF

V.

CIV NO: 5:17-CV-137-DCB-MTP

TALEX ENTERPRISES, LLC; JUBILEE PERFORMING
ARTS CENTER, INC.; TERRANCE L. ALEXANDER; the
BOARD OF MAYOR AND SELECTMEN OF
MCCOMB, MISSISSIPPI, SAMUEL ALEXANDER;
ALLIE'S ENTERPRISES, LLC; CLEAR CREEK CABINETRY,
INC.; CONCEPTS BY MERE, LLC; COX ARCHITECTURE, P.A.;
FARAWAY, LLC; GILBERT LAW FIRM, PLLC;
GRAPHICS ETC., LLC; LOTT FURNITURE COMPANY OF
MCCOMB; MCCOMB NEUROLOGY, PA; MICHELLE
NELSON; NIEMAN & ASSOCIATES, PC;
OFFICE AUTOMATION CENTER, INC.; PICS N SIPS, LLC;
PROFESSIONAL BEAUTY, BARBER & EQUIPMENT, INC.
D/B/A GULF SOUTH SALON SERVICES; TWICE AS NICE,
LLC; and RONNIE WHITTINGTON



DEFENDANTS

Motion for Change of Venue due to Improper Jurisdiction

1. Hudson Specialty Insurance Company (Hudson) names Cox Architecture, P.A. (Cox) as a defendant in their "amended complaint" against Talex, Jubilee, Alexander and McComb. Re: CIV NO: 5:17-CV-137-DCB-MTP, Filed 12/18/17.

2. Hudson seeks declaratory relief to preclude the named defendants including Cox from ever seeking redress as future plaintiffs

who may have a cause of action naming Hudson Specialty Insurance as defendants.

3. In their complaint, Hudson asserts that the United States District Court has subject-matter jurisdiction over this action under 28 U.S.C. § 1332 citing the “diversity of citizenship” concept.

4. However, under §1332 (c) (1), “a corporation shall be deemed to be a citizen of every State and foreign state where it has its principal place of business, except that in any direct action against the insurer of a policy or contract of liability insurance, whether incorporated or unincorporated, to which action the insured is not joined as a party-defendant, such insurer shall be deemed a citizen of (A) every State and foreign state of which the insured is a citizen...”; therefore Hudson IS a citizen of Mississippi where an action might be brought against Hudson by Cox so long as the insured is not joined as a party-defendant. This negates “diversity of citizenship”.

5. In order for the COURT to protect the rights of defendant Cox and to remain consistent with the language of 28 U.S.C. § 1332, we respectfully request that the court remand this entire action to the CHANCERY COURT OF PIKE COUNTY, MISSISSIPPI.

RESPECTFULLY SUBMITTED, this the 20th day of December, 2017.

STEVE COX, *Defendant*

By:



Steve Cox, Architect

COPIES TO:

UNITED STATES DISTRICT COURT (Southern District)

United States District Court
United States Courthouse
501 East Court Street
Suite 2.500
Jackson, MS 39201

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